IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON Jan 18, 2001 SAID ENVELOPE HAVING AN EXPRESS MAIL MAILING LABEL NUMBER OF: EH565877966US

Rupert B. Hurley

Rupert B. Hurley Jr.
Registration No. 29,313

January 18, 2001
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : RAMESH

Group Art Unit: Not Yet Assigned

Serial No : Not Yet Assigned

Examiner: Not Yet Assigned

Filing Date: Not Yet Granted

Attorney Docket No.: 42035-06

For: BACKSEAMED CASING AND PAKCAGED PRODUCT INCORPORATING SAME

PRELIMINARY AMENDMENT
(Accompanying Divisional Application)

Commissioner for Patents
Washington, DC 20231

Sir:

This Preliminary Amendment is being filed concurrently with the above-identified divisional application. Applicant respectfully requests consideration of the patentability of the claims, in view of the amendments and remarks set forth below.

AMENDMENT

Kindly amend the claims, as follows:

Kindly cancel Claims 1-28.

Kindly enter newly-presented Claims 29-48, as follows:

---29. A process for making a backseamed casing, comprising:

(A) preparing a multilayer heat-shrinkable film comprising:

(i) a first outer layer serving as an inside casing layer, the first outer layer comprising a first polyolefin comprising at least one member selected from the group consisting of:

(a) ethylene/unsaturated acid copolymer, propylene/unsaturated acid copolymer, and butene/unsaturated acid copolymer, wherein the unsaturated acid is present in an amount of at least 4 weight percent, based on the weight of the copolymer; and

(b) anhydride-containing polyolefin comprising an anhydride-functionality, wherein the anhydride functionality is present in an amount of at least 1 weight percent, based on the weight of the anhydride-containing polyolefin;

(ii) a second layer comprising at least one member selected from the group consisting of polyester and first polyamide; and

(iii) a third layer serving as an outside casing layer, the third layer comprising at least one member selected from the group consisting of second polyolefin, polystyrene, and second polyamide; and

wherein the second layer is between the first layer and the third layer, and the second layer has a thickness of at least about 5% of a total thickness of the heat-shrinkable casing film;

(B) wrapping the film longitudinally around a forming shoe with opposing length film sheet edges being overlapped or abutted with one another;

(C) sealing the film longitudinally to form a backseam; followed by

(D) forwarding the film.

30. The process according to claim 29, wherein the third layer comprises the second polyolefin.

31. The process according to claim 30, wherein the second layer comprises the first polyamide.

32. The process according to claim 30, wherein the first layer further comprises a third polyolefin comprising at least one member selected from the group consisting of polyethylene homopolymer, polyethylene copolymer, polypropylene homopolymer, polypropylene copolymer, polybutene homopolymer, and polybutene copolymer.

33. The process according to claim 32, wherein the second polyolefin has a vicat softening point of at least 90°C, and the third polyolefin has a vicat softening point of at least 90°C.

34. The process according to claim 33, wherein the first polyolefin comprises an ethylene/unsaturated acid copolymer having an unsaturated acid mer present in an amount of at least 9 percent, based on the weight of the ethylene/unsaturated acid copolymer.

35. The process according to claim 33, wherein the third layer comprises the second polyamide.

36. The process according to claim 30, wherein the first polyolefin comprises an ethylene/unsaturated acid copolymer, the unsaturated acid is present in an amount of at least 6 weight percent, based on the weight of the ethylene/unsaturated acid copolymer.

37. The process according to claim 36, wherein the casing film further comprises a fourth layer, the fourth layer being an inner layer serving as an O_2-barrier layer, the fourth layer comprising at least one member selected from the group consisting of ethylene/vinyl alcohol copolymer, polyvinylidene chloride copolymer, polyethylene carbonate copolymer and polyamide.

38. The process according to claim 37, wherein the second layer and the fourth layer are directly adhered.

39. The process according to claim 37, wherein the casing film further comprises a fifth layer and a sixth layer, wherein:

the fifth layer is between the first layer and the second layer, and the sixth layer is between the second layer and the third layer;

the fifth layer comprises at least one member selected from the group consisting of fourth polyolefin, polystyrene and polyurethane; and

the sixth layer comprises at least one member selected from the group consisting of fifth polyolefin, polystyrene and polyurethane.

40. The process according to Claim 29, wherein the second layer consists essentially of at least one member selected from the group consisting of polyester, and first polyamide.

41. The process according to claim 40, wherein:

the second layer has a thickness of from about 5 to 20 percent, based on a total thickness of the multilayer film; and

the fourth layer has a thickness of less than about 15%, based on a total thickness of the multilayer film.

42. The process according to claim 40, wherein the first polyamide comprises at least one member selected from the group consisting of polyamide 6, polyamide 66, polyamide 9,

polyamide 10, polyamide 11, polyamide 12, polyamide 69, polyamide 610, polyamide 612, polyamide 6I, polyamide 6T, and copolymers thereof.

43. The process according to claim 29, wherein the casing film has biaxial orientation, and a free shrink, at 185°F, of at least 10% in at least one direction.

44. The process according to claim 43, wherein at least a portion of the casing film comprises a crosslinked polymer network.

45. The process according to claim 29, wherein the backseam casing is a lap-seal backseam casing.

46. The process according to claim 29, wherein the second layer comprises the first polyamide and further comprises a third polyamide.

47. The process according to claim 29, wherein the second layer has a thickness of from 5% to about 20% of a total thickness of the heat-shrinkable casing film total film thickness.

48. A process for making a backseamed casing, comprising:

(A) preparing a multilayer heat-shrinkable film comprising:

(i) a first outer layer serving as an inside casing layer, the first outer layer comprising a first polyolefin, the first outer layer having a surface energy level of less than about 34 dynes/cm;

(ii) a second layer comprising at least one member selected from the group consisting of polyester and first polyamide; and

(iii) a third layer serving as an outside casing layer, the third outer layer comprising at least one member selected from the group consisting of a second polyolefin, polystyrene and second polyamide;

wherein the second layer is between the first layer and the third layer, and the second layer has a thickness of at least 5% of a total thickness of the heat-shrinkable casing film;

(B) wrapping the film longitudinally around a forming shoe with opposing length film sheet edges being overlapped or abutted with one another;

(C) sealing the film longitudinally to form a backseam; followed by

(D) forwarding the film.

REMARKS

The pending claims are Claims 29-48. Claims 29 and 48 are the independent claims, with Claims 30-47 being the pending dependent claims. Claims 29 and 48 are each directed to a process for making a backseamed casing which includes wrapping the film longitudinally around a forming shoe and sealing the film longitudinally to form a backseam.

Claim 29 recites a process for making a backseamed casing by preparing a multilayer heat-shrinkable film comprising three layers. The process comprises preparing a multilayer heat-shrinkable

film, wrapping the film around a forming shoe, sealing the film to form a backseam, and forwarding the film. Support for these steps can be found at Page 45 lines 3-13 and Page 27 lines 22-29. The first layer of the film is an inside layer of the casing, and comprises an acid copolymer and/or an anhydride-containing polyolefin. The second layer consists essentially of polyester and/or polyamide. The third layer is an outer casing layer, and comprises a polyolefin, polystyrene, and/or polyamide. The second layer is between the first and third layers, and the second layer has a thickness of at least 5% of the total film thickness. Support for the various film layers can be found at, for example, Page 5 line 17 through Page 6 line 2.

Support for Claim 30 can be found at, for example, Page 6 line 26.

Support for Claim 31 can be found at, for example, Page 6 line 19.

Support for Claim 32 can be found at, for example, Page 6 lines 8-11.

Support for Claim 33 can be found at, for example, Page 6 lines 26-28 and Page 23 lines 24-26.

Support for Claim 34 can be found at, for example, Page 6 lines 3-7.

Support for Claim 35 can be found at, for example, Page 6 line 30 through Page 7 line 2.

Support for Claim 36 can be found at, for example, Page 6 lines 3-7.

Support for Claim 37 can be found at, for example, Page 7 lines 3-7.

Support for Claim 38 can be found at, for example, Page 7 line 7.

Support for Claim 39 can be found at, for example, Page 7 lines 8-13.

Support for Claim 40 can be found at, for example, Page 5 lines 28-29.

Support for Claim 41 can be found at, for example, Page 7 lines 27-30.

Support for Claim 42 can be found at, for example, Page 6 lines 19-23.

Support for Claim 43 can be found at, for example, Page 7 lines 30 through Page 8 line 1.

Support for Claim 44 can be found at, for example, Page 8 lines 1-2.

Support for Claim 45 can be found at, for example, Page 8 lines 3-4.

Support for Claim 46 can be found at, for example, Page 24 lines 3-4.

Support for Claim 47 can be found at, for example, Page 8 lines 3-4.

Claim 48 recites a package comprising a cooked meat product within a backseamed casing comprising a casing film, with the cooked meat product adhered to the meat-contact surface of the casing film. Support for this portion of Claim 48 can be found in the specification at, for example, Page 8 lines 8-11. The casing film is the same as recited in Claim 29. Thus, support for Claim 48 includes the support for Claim 29 as discussed above.

Support for Claim 47 can be found at, for example, Page 7 lines 27-28.

Claim 48 recites a process for making a backseamed casing which is the same as Claim 29 except that the first outer layer is recited as comprising a first polyolefin and the first outer layer has a surface energy level of less than about 34 dynes/cm. Support for Claim 48 can be found in the support for Claim 29, in combination with Page 9 lines 10-19.

Thus, the specification of the application, as filed, supports all of the claims filed herein. No new matter is included in the claims.

While all of the claims in copending parent application 08/968,016 have been allowed, one of the differences between the independent claims in the instant application and the allowed claims of 08/968,016 is that the claims in the instant application are process claims which recite the steps of:

(i) wrapping the film longitudinally around a forming shoe with opposing length film sheet edges being overlapped or abutted with one another;
(ii) sealing the film longitudinally to form a backseam; followed by
(iii) forwarding the film.

Applicant contends that the pending claims are patentable over EPO 0 334 291, to Vicik ("VICIK") as well as U.S. Patent No. 4,758,463, to Vicik et al ("VICIK et al") because neither VICIK nor VICIK et al discloses a process of making a backseamed casing by wrapping the film longitudinally around a forming shoe and sealing overlapping or abutted edges to one another followed by forwarding the film. Applicant directs attention to the various Examples and Comparative Examples in the Applicant's specification, and particularly to, for example, Page 56 lines 22-29, which discuss the demonstrated importance of the nylon core layer to the backseaming process, i.e., to the importance of the nylon core layer for prevention of the undesirable necking down of the casing on the forming shoe, which is disruptive to the process. As such, Applicant respectfully requests favorable consideration of the pending claims as patentable over VICIK and VICIK et al, with a view towards allowance.

Respectfully submitted,

Rupert B. Hurley Jr.
Attorney for Applicant
Registration No. 29,313
(864) 433-3247

Cryovac, Inc.
P.O. Box 464
Duncan, S.C. 29334
January 17, 2001